Primary Elections—Majority Nominations and the Second Choice Vote. Following our universal practice in regular elections most of the direct primary laws provide for nomination by a mere plurality. Hence when there are three, and especially when four or more, candidates for a nomination, the nominee is frequently chosen by a minority, even a small minority, in direct contravention of the fundamental principle of majority rule. This has given rise to what is generally recognized as a distinct problem in the actual workings of the direct primary system.

Thus far only two methods of meeting this problem have been tried by our states, the "second ballot" and the "minimum percentage" plan. Throughout the south, as a rule, an absolute majority is required to nominate. This is provided for by party rules in some states, and by law, general or special, in others.[1] If none of the candidates receives a clear majority a second ballot or primary is had to decide between the two highest. Outside the south no state has hitherto demanded a real majority to nominate, but four, Iowa, Michigan, South Dakota and Washington, have guarded against nomination by *too small* a minority by requiring for a given nomination a minimum percentage (varying from 25 to 40) of the total vote cast for all the candidates seeking it.[2] Last January, after four years' observation and investigation, the Connecticut commission on direct primary laws, recommended to the legislature a draft of a law which requires a minimum percentage of 30 to nominate for certain offices. Only in Iowa and South Dakota, however, is this feature as wide in its application as the direct primary itself, while in Michigan it applied to but two offices.

Hence throughout the north primary nomination by plurality vote, no matter how small (except in Iowa and Washington) is the rule with but one notable exception. This exception is Idaho, whose new direct primary law of this year seeks to meet this problem by a third method, heretofore practically untried in the United States, namely, the preferential or second choice vote.

In recent years bills providing for the second-choice vote have been introduced repeatedly in the legislatures of New York and Wisconsin, but have failed of enactment. Washington, in her direct primary law of 1907, provides for the second choice vote, but its use is very narrowly restricted by three conditions. It is to apply: (1) only to nominations

[1] In at least seven, Florida, Mississippi, Texas, North Carolina, Louisiana, Georgia, Tennessee.

[2] Two of these states, Michigan and South Dakota, have this year repealed this feature of their primary laws and returned to plurality nominations.

for congressional and state (excluding judicial) offices; (2) only when there are four or more candidates, and (3) only when no candidate receives 40 per cent of the total vote. In 1908 Oregon adopted a constitutional amendment legalizing preferential voting at primary and other elections, but as yet has enacted no legislation for putting it into practice. Therefore it is not too much to say that the Idaho law of 1909 is essentially an innovation, and marks a distinctly new development in direct primary legislation, whose workings will be watched with keen interest by students of political institutions and by both friends and foes of direct primaries.

Under this statute the application of the second choice vote is practically as wide as that of the primary law itself. The elector is to vote for both his first and second choice whenever there are more than twice as many candidates for nomination as there are positions to be filled, i. e., whenever there are more than two candidates for a singular office or four for two places in a plural office, or body. An absolute majority of first choice votes is required to nominate for any office, even the offices of congressman and United States senator. If no candidate for a given nomination receives a clear majority of first choice votes, the second-choice votes of each candidate are to be canvassed and added to his first choice votes. Then the candidate having the largest number of both first and second choice votes combined secures the nomination. Unlike the Australian systems, and the Remsen plan, this law makes no provision for the preliminary elimination of the successive lowest candidates, and the distribution of their vote to the other candidates according to the preferences indicated by the elector. The following tabulations will serve to illustrate graphically the "Idaho system." Supposing there are 300 voters divided among four candidates:

	FIRST CHOICE VOTES.	SECOND CHOICE VOTES.			
		Black	Brown	Gray	White
White	100	40	25	35	0
Gray	75	25	30	0	20
Brown	70	15	0	40	15
Black	55	0	10	33	12

No candidate having received the majority required to nominate, it becomes necessary to canvass the second choice votes of each candidate and add them to his first choice vote. This being done, Gray is found

to have the largest number of both first and second choice votes and so secures the nomination as follows:

	White	Gray	Brown	Black
First choice votes	100	75	70	35
Second choice votes	47	108	65	80
	147	183	135	135

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Railroad Passenger Rates—South Dakota. The great tidal wave of railway passenger rate regulation began in Ohio in 1906, swept over the south and middle west, reached its height in 1907, and since then has been slowly receding. The rising of the wave was marked by discontent with present conditions, a feeling of bitterness and a strong agitation for reductions in rates. Its fall was marked by injunctions, counter injunctions, threats, a struggle for state rights, special sessions, compromises, court decisions, some bitterness toward the courts, and a realization that there had been some hasty action. The laws have not all been contested, and where they have been, sometimes the state has won, sometimes the railroads have won, and sometimes the struggle has resulted in a compromise.

The latest legislation on passenger rates has been in South Dakota. The 1907 law provided for a two and one-half cent rate on all but the narrow gauge roads; they were to be classified by the commission on the basis of their annual earning capacity and their rates fixed accordingly. In 1909 a flat two cent rate was passed. No allowance was made for narrow gauge roads, none for short lines, none for branch lines; they were all placed in the same class and all subjected to the same rate. The only exception that is made—and that was made in a subsequent act and applied only to that portion of the road having the required characteristic—was to exempt railroad companies having roads with a maximum grade exceeding seventy-five feet to the mile, and an average grade exceeding fifty feet to the mile. Violations of the law are made punishable by heavy fines on both the company and the individual agent. The individual may also be imprisoned.

Injunctions have already been issued and we await the final hearing and decision without comment.

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